

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Keron D. Simpson,**

*Petitioner,*

**v.**

**Case No. 3:17-cv-298  
Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

**Warren Lebanon Correctional Institution,**

*Respondent.*

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**DECISION AND ENTRY ADOPTING SUPPLEMENTAL REPORT AND  
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE  
MERZ (ECF 19), OVERRULING PETITIONER'S OBJECTIONS (ECF 17)  
TO MAGISTRATE'S REPORT AND RECOMMENDATIONS, (ECF 16),  
AND DISMISSING THE PETITION WITH PREJUDICE. (ECF 1).**

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On March 9, 2018, Magistrate Judge Michael R. Merz filed a Report and Recommendation, (ECF 16), suggesting that the Court dismiss Petitioner Keron D. Simpson's Petition for a Writ of Habeas Corpus. (ECF 1). On March 20, 2018, Petitioner filed Objection to the Magistrate's Report and Recommendations. (ECF 17). The matter was recommitted to the Magistrate Judge for further review. (ECF 18). On March 27, 2018, the Magistrate Judge issued a supplemental report and recommendation, that reaches the same conclusion as before. (ECF 19). Petitioner again objects. (ECF 22.)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration both of Petitioner's objections. Upon said review, the Court finds that Plaintiff's Objections, (ECF 17, 22), to the

Magistrate Judge's Report and Recommendations, (ECF 16, 19), are not well taken and is hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Reports and Recommendations. (ECF 16, 19). The Petition is **DISMISSED** with prejudice. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

**DONE** and **ORDERED** this Wednesday, June 13, 2018.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE